

**UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF MASSACHUSETTS**

**CONSOLIDATED UNDER
CASE NO. 05-10155 PBS**

YISEL DEAN, et. al.,

Plaintiff,

VS.

RAYTHEON COMPANY, et al.,

Defendants.

Case No.: 05 CV 10155 PBS

LISA A. WEILER, et. al.,

Plaintiff,

VS.

RAYTHEON COMPANY, et al.,

Defendants.

Case No.: 05 CV 10364 PBS

**PLAINTIFFS' MOTION FOR ORDER TO PRODUCE THE
COCKPIT VOICE RECORDER (CVR) RECORDING AND FOR A
DEPOSITION OF THE CUSTODIAN THEREOF**

Plaintiffs hereby move this Honorable Court for an order compelling production of the cockpit voice recorder (CVR) recording of Colgan Air, Inc. Flight 9446 CVR, for the reasons and good cause set forth in the Memoranda of Points and Authorities in Support of this Motion filed herewith. The CVR is the property of Colgan Air, Inc. and Colgan will soon take

possession of the CVR from the National Transportation Safety Board ("NTSB"). Colgan Air, Inc. did not object to the production but has requested a subpoena and appropriate court orders. It is the standard practice of the NTSB to return the actual CVR to the owner after completion of the crash investigation and they have commenced the return of that property. The paper transcript of the CVR does not provide plaintiffs with sufficient information to receive a fair trial. Discovery of the cockpit voice recording is necessary to provide plaintiffs' with sufficient information to receive a fair trial and is authorized by 49 U.S.C. § 1154(a).

January 18, 2006

Respectfully Submitted,

/s/ Mary Schiavo

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CERTIFICATE OF SERVICE

I hereby certify that on the 18th day of January, a true and correct copy of the above and foregoing PLAINTIFFS' MOTION FOR ORDER TO PRODUCE THE COCKPIT VOICE RECORDER (CVR) RECORDING AND FOR A DEPOSITION OF THE CUSTODIAN THEREOF was sent to the following attorneys of record via electronic filing.

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